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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,135	12/21/2001	John P. Ruckart	BS01-314	5494
39072	7590	09/07/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			DYKE, KERRI M	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			2616	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,135	Applicant(s) RUCKART ET AL.	
	Examiner Kerri M. Rose	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 69-72 is/are allowed.
- 6) ☒ Claim(s) 32-35, 41, 44, 47, 52, 55, 58, 61-65, 67 and 68 is/are rejected.
- 7) ☒ Claim(s) 36-40, 42, 43, 45, 46, 48-51, 54, 56, 57, 59, 60 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 39, 42, 50, and 53 are objected to because of the following informalities: They use acronyms (“ANI” and “PIC”) that have not been previously spelled out within the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 61 and 68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Without the phrase “executed by a computer” the computer readable medium of the claims is simply functional descriptive language, which is not patentable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 32-35, 41, 44, 47, 52, 55, 58, 61-65, 67, and 68 are rejected under 35

U.S.C. 102(e) as being anticipated by Thornton et al. (US 6,363,065).

5. In regards to claim 32, Thornton discloses a telecommunications system for routing telephone calls comprising: a trigger configured to identify an initiated telephone call (col. 10 lines 61-67); and a router configured to route the initiated telephone call over a packetized protocol network when the initiated telephone call is identified for packetized routing and to route the initiated telephone call over a standard telephone network without conversion to a packetized protocol when the initiated telephone call is not identified for packetized routing (col. 10 lines 55-58).

6. In regards to claim 33, Thornton discloses the system of claim 32, wherein the router is further configured to convert the initiated telephone call to the packetized protocol when the initiated telephone call is identified for packetized routing (col. 10 lines 61-67; col. 13 lines 58-62).

7. In regards to claim 34, Thornton discloses the system of claim 32, wherein the packetized routing comprises voice over internet protocol (col. 14 line 50; fig. 11).

8. In regards to claim 35, Thornton discloses the system of claim 32, wherein the standard telephone network comprise a circuit switched network (fig. 1 element 20).

9. In regards to claim 41, Thornton discloses the system of claim 32, wherein the initiated telephone call is identified based on a predefined code (col. 11 lines 57-61).

10. In regards to claim 44, Thornton discloses the system of claim 32, wherein the initiated telephone call is received from a telephone device having a plurality of standard telephone line on the standard telephone network (fig. 1 elements 16 and 46).

11. In regards to claim 47, Thornton discloses a telecommunication system for selectively routing telephone calls using a voice over internet protocol network or a circuit switched

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telephone network comprising: a trigger configured to identify an initiated telephone call (col. 10 lines 61-67); a router configured to route the telephone call over the VoIP network when the initiated telephone call is identified for packetized routing (col. 10 lines 61-67) and to route the initiated telephone call over the circuit switched telephone network without conversion to VoIP when the initiated telephone call is not identified for routing over the VoIP network (col. 11 lines 1-4); and a voice over internet protocol platform coupled to the router and configured to receive the telephone call from the router when the call is routed over the VoIP network and to convert the telephone call to VoIP for routing over the VoIP network (fig. 1 element 30 and fig. 11).

12. In regards to claim 52, Thornton discloses the system of claim 47, wherein the initiated telephone call is identified based on a predefined code (col. 11 lines 57-61).

13. In regards to claim 55, Thornton discloses the system of claim 47, wherein the initiated telephone call is received from a telephone device having a plurality of standard telephone lines on the standard telephone network (fig. 1 elements 16 and 46).

14. In regards to claim 58, Thornton discloses a method for selectively routing calls received on a standard circuit switched telephone network to a voice over internet protocol platform (fig. 11), comprising: receiving a plurality of calls at a device on the network (col. 41 lines 33-36); identifying a first of the calls as a call to be routed to the VoIP platform (col. 41 lines 36-42); routing the identified first of the calls to the VoIP platform (col. 41 lines 52-55); converting the first of the calls to an internet protocol (col. 42 lines 4-10); routing the converted first of the calls to a packetized communication network coupled to the VoIP platform (col. 42 lines 4-10); identifying a second of the calls as a call to be routed to the standard circuit switched telephone

network; and routing the identified second of the calls to the standard circuit switched telephone network without converting the second of the calls to the internet protocol (col. 11 lines 1-4).

15. In regards to claim 61, Thornton discloses a computer program product for routing the telephone calls, the computer program product comprising computer program code embodied in a computer readable medium, the computer program code comprising program code configured to carry out the method of claim 58 (fig. 5).

16. In regards to claim 62, Thornton discloses a system configured to carry out the method of claim 58 (fig. 1).

17. In regards to claim 63, Thornton discloses a method for selectively routing telephone calls, comprising: identifying an incoming telephone call comprising an incoming request; routing the incoming telephone call over a packetized protocol network wherein the incoming request requests packetized routing; and routing the incoming telephone call over a standard telephone network without conversion to a packetized protocol when the incoming request does not request packetized routing (col. 10 lines 55-67).

18. In regards to claim 64, Thornton disclose the method of claim 63, wherein routing the incoming telephone call over a packetized protocol network is preceded by converting the incoming telephone call to a packetized protocol if the incoming request requests packetized routing (col. 10 lines 55-67).

19. In regards to claim 65, Thornton discloses the method of claim 63, wherein the packetized protocol comprises voice over Internet protocol (fig. 1 element 30; fig. 11) and wherein the standard telephone network comprises a circuit switched network (fig. 1 element 20).

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20. In regards to claim 67, Thornton discloses a computer program product for selectively routing telephone calls, the computer program product comprising computer program code embodied in a computer readable medium, the computer program code comprising program code configured to carry out the method of claim 63 (fig. 5).

Allowable Subject Matter

21. Claims 69-72 are allowed.

22. Claims 36-43, 45, 46, 48-51, 54, 56, 57, 59, 60, and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

23. Applicant's arguments with respect to claims 32-72 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kmr



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600